

at least one solvent, wherein said antibiotic and said analgesic are dissolved in said solvent to form a mixture that is a systemic formulation.

Subt 16. A method of making an antibiotic/analgesic formulation, comprising:
mixing an antibiotic with a solvent to form a solution;
adding an analgesic to said solution; and
mixing said solution to form a systemic antibiotic/analgesic formulation.

Subt 18. A method for treating an animal, comprising:
administering to an animal in need thereof a systemic formulation comprising a mixture of an antibiotic, an analgesic, and a solvent.

REMARKS

Claims 1, 16, and 18 have been amended, as suggested in the Office Action, to claim that the formulation is a systemic formulation. Attached hereto is a marked-up version of the changes made to the claims by the current amendments. The attached page is captioned "Version With Markings to Show Changes Made". Claims 1-21 remain pending in this application.

Referring initially to independent claims 1, 16, and 18, Applicant submits that these claims are not anticipated or made obvious by U.S. Patent No. 5,151,270 to Grimberg ("Grimberg"). Applicant's claimed formulation is clearly distinguishable from that disclosed by Grimberg. Grimberg does not disclose or suggest an antibiotic and an analgesic dissolved in a solvent to form a systemic formulation, as claimed in claims 1, 16, and 18. Therefore, Applicant respectfully submits that each element of the pending claims is not disclosed by Grimberg, as

required to create a case of anticipation. Furthermore, Applicant respectfully submits that a prima facie case of obviousness for rejecting the pending claims under § 103 has not been established.

Grimberg does not disclose or suggest an antibiotic and an analgesic being **dissolved** in a solvent, but rather these components may merely be suspended in Grimberg's cream. The amount of solvent used in Applicant's formulation is sufficient to dissolve all of the components of the formulation. In contrast, Grimberg does not disclose or suggest that an antibiotic and an analgesic should be dissolved in his cream.

Furthermore, once the antibiotic and analgesic are dissolved in the solvent, Applicant's formulation may be administered as a pour-on product or as a parenteral formulation, such as a parenteral injectible formulation. Whether it is administered as a pour-on liquid or as an injectible, Applicant's formulation is absorbed internally making it a systemic formulation.


As admitted in the Office Action, Grimberg discloses a cream. This cream is not absorbed externally, but instead solidifies after application. Thus, Grimberg does not disclose or suggest a systemic formulation. In fact, there is no suggestion by Grimberg that its cream, with active components suspended therein rather than being dissolved therein, should be made into a solution and used systemically.

For the foregoing reasons, claims 1-21 are not anticipated or obvious in view of Grimberg. Still further, claims 2-15, 17, and 19-21 depend, directly or indirectly, from either claim 1, 16, or 18 and are not disclosed or suggested by Grimberg for the same reasons claims 1, 16, and 18 are not disclosed or suggested.

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims are now in condition for allowance and eventual issuance. Such action is respectfully requested. Should the Examiner have any further questions or comments which need be addressed in order to obtain allowance, he is invited to contact the undersigned attorney at the number listed below.

Acknowledgement of receipt is respectfully requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

The claims have been amended as follows:

1. (Amended) An analgesic/antibiotic formulation for veterinary use, comprising a mixture of:
 - at least one antibiotic;
 - at least one analgesic; and
 - at least one solvent, wherein said antibiotic and said analgesic are dissolved in said solvent to form a mixture that is a systemic formulation.
16. (Amended) A method of making an antibiotic/analgesic formulation, comprising:
 - mixing an antibiotic with a solvent to form a solution;
 - adding an analgesic to said solution; and
 - mixing said solution to form [an] a systemic antibiotic/analgesic formulation.
18. (Amended) A method for treating an animal, comprising:
 - administering to an animal in need thereof a systemic formulation comprising a mixture of an antibiotic, an analgesic, and a solvent.